

**Article 4: Disease Control — Nuisances**

**Division 2: Specific Regulations**

*(“Specific Regulations”  
added 2-10-1953 by O-5486 N.S.)*

**§44.0201 Bathing or Swimming Pools — Regulated**

Bathing or Swimming Pools for public use shall be emptied and properly cleansed before refilling at least twice in each week during the months of July, August and September, and at least once a week during the balance of the year, except pools which are constructed and maintained in accordance with State Board Health Swimming Pool Regulations.

*(“Bathing or Swimming Pools — Regulated” added 2-10-1953 by O-5486 N.S.)*

**§44.0203 Fertilizing Material — Storage Bins or Rooms — Special Permit Required**

No person shall keep or store any fertilizer material in excess of two cubic yards, on any premises within fifty (50) feet of any building occupied as a residence by human beings except in a container, bin or room which is fly-tight, dust proof and ventilated in such a manner as to prevent the fertilizer material from becoming a harbor for rodents, a breeding place for flies, offensive to the human senses, or a public nuisance.

*(“Fertilizing Material — Storage Bins or Rooms — Special Permit Required” added 2-10-1953 by O-5486 N.S.)*

**§44.0204 Manure, Stable Refuse, Animal Excreta Regulated — Larvicide Treatment Required**

No manure, animal excreta or stable refuse shall be transported except in a vehicle, effectively covered to prevent the contents from being dropped, which vehicle shall have been approved for such transportation by the Director of Public Health. No person shall permit manure, animal excreta or stable refuse to be dropped upon any street or public property. No person shall keep or store manure, animal excreta, or stable refuse unless the same shall have been treated with a larvicide satisfactory to the Director of Public Health.

*(“Manure, Stable Refuse, Animal Excreta Regulated — Larvicide Treatment Required” added 2-10-1953 by O-5486 N.S.)*

**§44.0211 Cesspool, Septic Tank, Subsurface Disposal System, Connecting Plumbing to Unapproved Disposal System Prohibited**

No person shall connect any house, sewer line or other plumbing to a septic tank, settling tank, cesspool or other subsurface sewage disposal unit or system hereafter installed, constructed, or reconstructed, unless such septic tank, settling tank, cesspool or other subsurface sewage disposal unit or system has been approved by the Director of Public Health as provided in this Chapter, and unless the owner of the property has executed and recorded in the office of the County Recorder an agreement to connect such house, sewer line or other plumbing to the public sanitary sewer within thirty (30) days after such sanitary sewer becomes available to the property. Such agreement shall be binding upon the owner and any successor owners.

*(Amended 12-1-1959 by O-8205 N.S.)*

**§44.0212 Cesspool, Septic Tank, Subsurface Disposal Systems — Where Prohibited**

No person shall maintain a cesspool, septic tank or subsurface disposal system on any premises adjoining a lateral sewer; provided, however, that where a sewer lateral is installed adjacent to premises upon which there is located such an existing subsurface disposal system, the Director of Public Health may approve the continued use of such system until such time that the public health and sanitation are adversely affected thereby.

*(“Cesspool, Septic Tank, Subsurface Disposal Systems — Where Prohibited” added 2-10-1953 by O-5486 N.S.)*

**§44.0213 Cesspool, Septic Tank, Subsurface Disposal System — Application for Permit — Fee**

Any person desiring to install, construct or reconstruct, repair or add a septic tank, settling tank, seepage pit, cesspool, subsurface tile line system or other subsurface sewage disposal unit or system, or any part thereof, shall file with the Director of Public Health Services a written application for a permit for such installation, construction, reconstruction, repair or addition. A separate application and permit for each installation shall be required. The application shall be made upon a form prescribed and furnished by the Director of Public Health Services and shall be accompanied by an inspection fee, the exact amount of which shall be determined and kept on record by the County Department of Health Services. The application shall contain the following information and such information as the Director of Public Services may require:

Street name and number of the premises where the installation is to be made; the name and address of the owner, the name and address of the contractor who is to perform the work; the size and type of the septic tank, settling tank, seepage pit, cesspool, subsurface tile line system, or other subsurface sewage disposal unit or system or any part thereof, to be installed and the number of people it is to serve. The application shall include or be accompanied by a plan or diagram showing the character and kind of installation to be made and the manner and location in which the work is to be done.

*(Amended 7-20-1981 by O-15547 N.S.)*

**§44.0214 Cesspool, Septic Tank, Subsurface Disposal System — Issuance of Construction Permits, Suspension and Revocation**

On receipt of the application and fee the Director of Public Health may issue such Construction Permit if the Health Department investigation discloses that the facts set forth in such application are true, and that the health conditions in and about the premises wherein and whereon it is proposed to construct such installation and the installation itself comply with all the building and health regulations of The City of San Diego and the State of California. A violation of such requirements shall be grounds for denial of such Construction Permit, or, if previously issued, grounds for suspension or revocation.

*(Amended (formerly Sec. 44.0215; old Sec. 44.0214 now part of Sec. 44.0213) 1-24-1964 by O-8952 N.S.)*

**§44.0215 Cesspool, Septic Tank, Subsurface Disposal System — Change of Location or Supplemental Permit**

- (a) Permits issued pursuant to this Division shall be void one year from the date of issuance. Permits shall not be transferable from one person to another.
- (b) a permittee to whom there has been issued pursuant to this Division a permit for an installation to be made at a particular location may apply for a supplemental permit authorizing such work to be performed at a different location provided that no work has been commenced at the location specified in the original permit, and provided further that such supplemental installation complies with all the building and health regulations of the City of San Diego and the State of California. The application for a supplemental permit shall be made on a form prescribed and furnished by the Director of Public Health Services. On receipt of such application and a fee, the exact amount of which shall be determined and kept on record by the County Department of Health Services, the Director of Public Health Services may issue a supplemental permit authorizing the performance of work at the substituted location.

*(Amended 7-20-1981 by O-15547 N.S.)*

**§44.0216 Cesspool, Septic Tank, Subsurface Disposal System — Construction Approval**

As soon as the septic tank, settling tank, cesspool or other subsurface sewage disposal unit or system is installed and ready to receive its cover, the person to whom the permit for such unit or system was issued shall notify the Health Department that such unit or system is ready for inspection. As soon thereafter as practical, the Director of Public Health shall make an inspection of the work. If the unit or system is approved, an inspection certificate shall be posted in a conspicuous place upon the property where the unit or system is located, which inspection certificate shall note the date and approval and the signature of the person making the inspection. No such installation shall be covered prior to its approval as herein required.

*(Amended (formerly Sec. 44.0219; old Sec. 44.0216 now Sec. 44.0215) 1-23-1964 by O-8952 N.S.)*

**§44.0216.1 Inspection of Existing Cesspool, Septic Tank, Subsurface Disposal System — Fee**

Any person desiring for any reason, the inspection of an existing septic tank, settling tank, cesspool, or other subsurface disposal system, or unit by the Director of Public Health Services shall file with the Director of Public Health Services a written request for such inspection accompanied by an inspection fee, the exact amount of which shall be determined and kept on record by the County Department of Health Services. A separate request for each unit or system shall be required, and the request shall contain such information as the Director of Public Health Services may require and shall be made upon a form prescribed and furnished by the Director of Public Health Services. As soon after the request is made as is practical, the Director of Public Health Services shall make or cause to be made the requested inspection and shall determine whether the inspected unit or system functions satisfactorily in accordance with the provisions of this division. In the event that the unit or system is found not to be functioning satisfactorily the Director of Public Health Services shall upon written request make or cause to be made a reinspection, and a fee for each such reinspection, the exact amount of which shall be determined and kept on record by the County Department of Health Services, shall be made payable to the Director of Public Services in advance.  
*(“Inspection of Existing Cesspool, Septic Tank, Subsurface Disposal System — Fee” added 7-20-1981 by O-15547 N.S.)*

**§44.0217 Cesspool, Septic Tank, Subsurface Disposal System — Reinspection — Fee**

When an inspection has been ordered and the work is found to be not ready for inspection and approval, the Director of Public Health Services shall cause an official notice to be posted on the job stating the changes necessary in order that the work will

comply with the requirements of this division. As soon thereafter as practicable, the owner or contractor shall cause the changes to be made and, upon completion thereof, shall notify the Department that the unit or system is ready for reinspection. As soon thereafter as practicable, the Director of Public Health Services shall make a reinspection. If, upon reinspection, the work is approved, a certificate to that effect shall be posted as herein above specified. At the time the reinspection is requested, the applicant shall pay a fee, the exact amount of which shall be determined and kept on record by the County Department of Health Services.

*(Amended 7-20-1981 by O-15547 N.S.)*

**§44.0218 Cesspool, Septic Tank, Subsurface Disposal System — Percolation Test — When Required**

The Director of Public Health may require the applicant for such Construction Permit to furnish a report of an engineer, registered in the State of California, showing that soil percolation tests have been made by the engineer on the site of the proposed subsurface sewage disposal system and the results of such tests. If the Director of Public Health determines that the location, area, soil porosity, ground water level, density of population in the area, the number of persons to be served, or other conditions would cause the operation of such installation to create an unsanitary condition affecting the public health, such permit shall not be issued. In such cases the Construction Permit fee shall be refunded.

*(Amended (formerly Sec. 44.0417; old Sec. 44.0218 now Sec. 44.0220) 1-23-1964 by O-8952 N.S.)*

**§44.1218.1 Cesspool, Septic Tank, Subsurface Disposal System — Percolation Test — Fee**

If, pursuant to 44.0218, a percolation test or septic tank system layout is performed by the County, there shall be paid a fee, the exact amount of which shall be determined and kept on record by the County Department of Health Services.

*(“Cesspool, Septic Tank, Subsurface Disposal System — Percolation Test — Fee” added 7-20-1981 by O-15547 N.S.)*

**§44.0219 Cesspool, Septic Tank, Subsurface Disposal System — Location**

Any subsurface sewage disposal unit or system or part thereof hereafter constructed or installed shall be so situated that it will be a "safe distance" from any source of water supply as determined by the Director of Public Health. In determining what is a "safe distance" the Director shall consider: The source of possible pollution, the type of soil, surface and subsurface, the type and source of water supply, the geological formation of the ground, the direction of surface drainage, and the depth and direction of ground water flow.

Under no circumstances shall any part of such subsurface sewage disposal unit or system, except the house sewer line, be located closer than fifty feet (50') from any water supply.

No part of such subsurface sewage disposal unit or system, except the house sewer line, shall be located less than five feet (5') from every building or structure or less than five feet (5') from every property line.

*(Amended (formerly Sec. 93.1704; old Sec. 44.0219 now Sec. 44.0216.) 1-23-1964 by O-8952 N.S.)*

**§44.0220 Cesspool, Septic Tank, Subsurface Disposal System — Minimum Lot Area**

No septic tank, settling tank, cesspool or other subsurface sewage disposal system or unit shall be installed or constructed on a lot or parcel containing an area of less than five thousand (5,000) square feet; provided, however, that where the lot area is less than five thousand (5,000) square feet but more than four thousand (4,000) square feet, the Director of Public Health may waive the minimum area requirement if the Director determines that the operation of such installation will not be detrimental to public health.

*(Amended (formerly Sec. 44.0218; old Sec. 44.0220 now Sec. 44.0217) 1-23-1964 by O-8952 N.S.)*

**§44.0221 Cesspool, Septic Tank, Subsurface Disposal System — Surface Water Not Permitted**

No opening shall be provided in any drainage system or in any septic tank, settling tank, cesspool or other subsurface disposal unit or system for the purpose of receiving the surface drainage from any yard or building.

*(“Cesspool, Septic Tank, Subsurface Disposal System — Surface Water Not Permitted” added 2-10-1953 by O-5486 N.S.)*

**§44.0222 Temporary Subsurface Sewage Disposal System**

Where the Director determines it is probable that a public sanitary sewer will become available to property within twenty- four (24) months, he may issue a permit to the owner of such property authorizing the construction of a temporary sewage disposal facility provided the permittee executes and records in the office of the County Recorder an agreement with the Director providing:

- (a) That the permittee will connect the property to the public sanitary sewer within 30 days after it becomes available to the property.

- (b) That if the public sanitary sewer does not become available to the property within the period of time specified by the Director, the permittee will apply for a permit for and construct a septic tank and sewage disposal system in accordance with the requirements of the San Diego Municipal Code.
- (c) That the permittee will pump and remove all sewage from said temporary sewage disposal facility and fill said facility with soil or other material in a manner approved by the Director at the time the property is connected to the public sanitary sewer or a septic tank and sewage disposal system specified in paragraph "b" of this section.
- (d) That in the event the property is sold or transferred before the connection of the property to said sanitary sewer is made, the said agreement with the Director shall be made a part of the contract to sell or transfer said property.
- (e) That the property will not be occupied until a sewage disposal facility has been installed and approved by the Director.
- (f) That the agreement with the Director shall be binding upon the owner, his heirs, administrators, executors, successors and assigns.

It shall be unlawful for any person bound by the terms of such agreement to violate any provision of such agreement.

*("Temporary Subsurface Sewage Disposal System" added 12-1-1959 by O-8206 N.S.)*

#### **§44.0225 Sanitary Toilet — When Authorized**

For the temporary occupants of buildings in areas remote from a sewer lateral, the Director of Public Health may authorize the construction and use of an approved type of sanitary toilet in lieu of connection to a public sewer or to a subsurface disposal system.

*("Sanitary Toilet — When Authorized" added 2-10-1953 by O-5486 N.S.)*

